

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, MARCH 5, 2008 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
John Feener
Brandon Frontiero

MEMBERS ABSENT

Arthur Socolow
Charles Anderson
Ann Jo Jackson, Vice Chair
William Febiger

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman opens the meeting of the Gloucester Conservation Commission. This is a non quorum meeting as only 3 members of the Commission are present and 4 members are needed for a quorum.

The Agent reviews with the GCC noting the following:

85 WINGAERSHEEK RD.

The Agent notes that a request of continuation to 3/19/08 was requested.

PLUM COVE BEACH, NILES BEACH AND CRESSY'S BEACH

The Agent notes that a request of continuation to 3/19/08 was requested.

612 ESSEX STREET (Map 237, Lot 60)

Request for Determination submitted by Mast Hill Condominium Assoc. to connect to municipal sewer system. This project is closed pending review of decision and signatures. Signatures from all members present.

16 RIGGS POINT ROAD (Map 112, Lot 79)

Request for Determination submitted by Charla Scott to construct a deck in a riverfront area. On the agenda for signatures, signed by all members present.

12 RIO DRIVE

One additional signature needed, the project is closed and the GCC approved the final decision.

1206 WASHINGTON STREET

CoG for repair and replacement of a failed culvert and manhole causing severe flooding near the intersection of Langsford and Washington, toward Rockport.

This is on the agenda for signatures and to be ratified at the next meeting.

Signed by all members present.

2 BEACHLAND ROAD (Map 178, Lot 51)

NoI filed by Charles Pratt Jr. to remove fill in wetland and to restore wetland buffer zone.

This matter is on the agenda for 3/19/08 and to be continued to 04/02/08.

161 THATCHER ROAD (Map 178, Lot 60)

NoI filed by Charles Pratt Jr. to construct a single family home with associated grading and utilities in a buffer zone to a marsh.

This matter is on the agenda for 3/19/08 and to be continued to 04/02/08.

46 LEVERETT STREET

The Agent reviews with the GCC stating that this is an ongoing issue and asking for an Enforcement Order due to lack of response to violation concerns re: 28-1865. There has been a failure to control the site or clean up when notified of the violation. Failure to respond. The project has changed with no amendment filed. The coastal bank is altered w/stone walls in violation of conditions in the OoC. The Agent notes photos which were viewed by all members present. She notes that they were told to stop and they stopped for awhile then started up again. They were specifically told not to touch the wall.

After further review by the GCC the order was issued and they still have decided to do what they want with the property.

The matter was signed by all members present and to be ratified at the next scheduled meeting of the Gloucester Conservation Commission.

POPLAR STREET VIOLATION UPDATE

The Agent reviews with the GCC with the following information:

(Babson water treatment plant and senior housing park bridge.)

Notice of site and erosion control failure was sent and a response was given from both applicants/responsible parties but no corrections or clean up has been conducted. Level 2 violation notices are being issued. As these are city projects and the issue is a repeat issue, even though not for these specific sites. The Agent further notes stockpiling on the edge of the stream and no erosion controls in place. There has been no correction or clean up conducted at this point in time.

209 ATLANTIC ROAD

The Agent reviews with the GCC members inquiring as to the issuance of either a Letter Permit or RDA. She notes a 1 story storage building and 2nd floor outdoor seating. This is a designated Port area but not below historic mean high water.

The GCC reviews the site plan. The Agent notes that work to be done on pavement and no excavation of soils.

Mr. Gulla notes that a recommendation to the applicant would be to try not to over-excavate as they are right to the line. He notes working backwards and not dump forward as well as construction monitoring. He notes the foundation and is told it is not a foundation but a 4 ft. frost wall.

The Agent states that they are holding the applicant to working outside the buffer zone.

Mr. Feener notes the 100 ft. buffer zone marking and that the applicant is not to cross it.

The Agent notes because of the non-quorum issue one more signature other than the GCC members present is warranted.

57 WINGAERSHEEK ROAD (Map 258, Lot 9)

A meeting was requested by John Nahill, to discuss filing with the GCC for resurfacing of a driveway in Coastal Dune/Barrier Beach. The request relates to work permitted under existing OoC 28-1794.

This is a meeting session only and not a public hearing to discuss the clarifications of conditions in the decision issued relating to the driveway and stone in sand dunes around a reconstructed home. Mr. Jim McKenna present and representing Mr. Nahill states that the driveway is in

disrepair and notes a materials change to allow a pervious driveway and improvement re: water flow.

The house is surrounded by dune and in a barrier beach area, which he states is a sensitive area. He notes crushed stone that was placed for trucks going in and out which has been greatly impacted and quite deteriorated. He states that under the existing order they can pave with asphalt.

Kathleen Nahill is present and taking notes in the general public seating area.

The Agent notes that the house was torn down and rebuilt. An NoI was filed and the old NoI was withdrawn with the new NoI having special conditions. All dunes must be restored to their natural state. She noted a previous loop style driveway and in the 2nd OoC there was no discussion of the driveway.

Mr. Nahill put stone around the entire house and dune. The original order is no longer valid as it was withdrawn. The crushed stone is in violation.

Mr. McKenna states that the original order was incorporated into the 2nd order.

The Agent states that through documentation it is noted that the original order was withdrawn and closed.

Mr. McKenna notes a reference in the order that gives direction of what we define as a project.

The Agent states that it is not held up as a legal document as it was just a reference.

Mr. McKenna states that the applicant wants to do the right thing with the assistance and cooperation of the GCC.

Mr. Gulla states that they have to come up with a plan re: crushed stone, the dunes and the driveway.

Mr. McKenna states that they will correct the areas where the crushed stone was placed. He notes Lyn-pack and it covering more problems.

The Agent brings to the attention of the GCC members that what she and Leslie had asked for all along is now being proposed by Mr. McKenna and the applicant, Mr. Nahill.

Mr. McKenna states that they are looking to correct the error and allow for the driveway to be fixed.

The Agent notes that the footprint to the right is now being shifted to the left.

Mr. McKenna states it is the original plan. The Agent, once again states that the file was legally closed. She further notes that the plan clearly shows the driveway crossed out. Ms. Ryder states that all dunes are to be restored.

Mr. McKenna notes footnote #4. The Agent notes that the area under the OoC's consideration is the planting area only. The Agent then reads the special conditions.

She notes that the driveway was not pre-existing.

Mr. McKenna states that he is asking for the plan that was incorporated into the order.

Mr. Gulla inquires with Ms. Ryder as to what she recommends.

Ms. Ryder states that a major amendment should be filed under the NoI process. The entire area re: dune is to be returned to its natural state.

Mr. McKenna states that the plan that was reviewed is part of the plan of record. The existing footprint of the driveway is noted.

The Agent states that the original NoI was withdrawn and closed. The plan now shows most of the front yard as driveway.

Mr. Gulla suggests locating documentation to see what was there before.

The Agent notes concern as the drawing shows much greater volume of asphalt than what was originally proposed. The Agent states that we will agree that it was referenced but it was not the final plan, the conditions modified that. What exists is permitted.

Mr. McKenna states that is not what the order says.

The Agent says it does and notes the Performance Standards.

Mr. McKenna states that they can file an amendment and develop a plan that will respect the intent of what we are discussing this evening. The Agent states, pavement not driveway and further notes that what is being used as a driveway is the entire front yard and not just a driveway. Mr. McKenna notes that they want to bring it back to a natural state.

Mr. Gulla states that this all needs to be repaired.

Mr. McKenna states that they are trying for a reasonable plan and improve the property.

Mr. Feener asks if they are in agreement that the driveway is in violation and Mr. McKenna states the crushed stone in place is where it should not be.

The Agent states that the difference is the number of square feet that originally existed.

Mr. McKenna notes footage re: the driveway that exists is substantially smaller than the figures originally given.

Mr. Gulla notes that visuals would assist with this issue and notes to Mr. McKenna that whatever can be found to note what was there previous to the existing conditions, some type of accurate representation. He states that the applicant may have a good photo in simple detail that the numbers are correct.

As this was a non-quorum meeting all other hearings from the March 5, 2008 agenda are continued to March 19, 2008. Any parties present at the meeting this evening were notified of the date of continuance.

Respectfully submitted,

Carol A. Gray
Recording Clerk